

Appl. No. 10/040,857

Attorney Docket No. 10541-396

III. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

Claims 1-5 and 9-32 are pending.

Objection to the Specification

Paragraph [0027] of the specification was amended to correct any informalities as noted by the examiner.

*Claim Rejections - 35 U.S.C. §102(b)**Claims 17-18, 22, 24, 28-32*

Claims 17-18, 22, 24, and 28-32 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. 5,887,247 to Baltus et al. (Baltus).

Claims 17 and 24 recite "resetting a proportion of the first and second radio signal to generate the receiver signal in response to the first test steering solution." Baltus teaches adjusting the phase shifting of the first and second radio signal, but does not teach or suggest resetting a proportion of the first and second radio signal as provided by claims 17 and 24. Therefore, Baltus does not teach or suggest the present invention as provided in claims 17 or 24.

Claims 18, 22, 24, and 28-30 depend from claims 17 or 24 and are, therefore, patentable for at least the same reasons given above in support of claims 17 and 24.

BRINKS
HOFFER
GILSON
LIONE

BRINKS HOFER GILSON & LIONE
PO Box 10395
Chicago, IL 60611 5599

Appln. No. 10/040,857

Attorney Docket No. 10541-396

*Claim Rejections - 35 U.S.C. §103(a)**Claims 1-2, and 6*

Claims 1-2, and 6 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 3,864,633 to Strenglein (Strenglein) in view of Baltus.

Claim 1 provides that "the first mixer circuit is operable to reset the proportion of the first and second signals for the receiver signal in response to the test signal." Baltus shows adjusting the phase angle of the first and second signal. This is distinctly different than resetting the proportion of the first and second signals in response to the test signal as set out in the claim. Strenglein also does not teach resetting the first and second signals. Rather, Strenglein teaches switching the receiver output to the mixer with a higher quality signal and scanning the phase adjustment of the first and second test signals on the opposite mixer. Accordingly, neither Strenglein or Baltus, together or in combination, teach or suggest the mixer circuit being operable to reset the proportion of the first and second signals in response to the test signal. Therefore, the combination of Strenglein and Baltus does not suggest the present invention.

Since claims 2, 6, 31 and 32 depend directly from claim 1 and are, therefore, patentable for at least the reasons given above in support of claim 1.

BRINKS
HOFER
GILSON
ELTONE

BRINKS HOFER GILSON & LIONE
PO Box 10395
Chicago, IL 60611-5599

Appln. No. 10/040,857

Attorney Docket No. 10541-396

Claims 3 and 7

Claims 3 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Strenglein in view of Baltus and further in view of U.S. 2002/0168955A1 to Wildhagen (Wildhagen).

Since Wildhagen does not teach the limitations noted above as missing from Strenglein and Baltus, Claims 3 and 7, which depend from claim 1, are patentable for at least the same reasons given above in support of claim 1.

Claims 4 and 8

Claims 4 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Strenglein in view of Baltus, Wildhagen and further in view of U.S. 6,064,865 to Kuo et al. (Kuo).

Neither Wildhagen and Kuo teaches or suggest the limitations noted above as missing from Strenglein and Baltus. Claims 4 and 8 depend from claim 1 and are, therefore, patentable for at least the same reasons given above in support of claim 1.

Claim 5

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Strenglein in view of Baltus and further in view of Kuo.

As noted in regard to claims 4 and 8, Kuo does not teach or suggest the limitations of the base claim that are missing from Strenglein and Baltus. Since

BRINKS
HOFER
GILSON
LIONE

BRINKS HOFER GILSON & LIONE
PO Box 10395
Chicago, IL 60611-5599

Appln. No. 10/040,857

Attorney Docket No. 10541-396

claim 5 depends from claim 1, it is patentable for at least the same reasons as claim 1.

Claims 9-10

Claims 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 6,577,353 B1 to Welles, II et al. (Welles) in view of Baltus.

Claim 9 recites that "the first mixer circuit is operable to reset the proportion of the first and second RF signal in response to the proportion of the first RF signal and second RF signal in the test signal, when the test signal quality exceeds the receiver quality signal." Welles switches between an ATSC tuner and an NTSC tuner based on an evaluation of the ATSC tuner and the NTSC tuner signals. Welles does not teach or suggest that the first mixer circuit reset the proportion of the first and second RF signal in response to the proportion of the first RF signal and second RF signal in the test signal.

Regarding claim 10, this claim is dependent from claim 9 and is, therefore, patentable for at least the same reasons as given above in support of claim 9.

Claim 11

Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Welles in view of Baltus and further in view of Wildhagen.

Wildhagen does not teach or suggest the limitations noted above as missing from Baltus and Welles. Claim 11 depends from claim 9 and is,

BRINKS
HOFFER
GILSON
ALIONE

BRINKS HOFER GILSON & LIONE
PO Box 10395
Chicago, IL 60611-5599

Appln. No. 10/040,857

Attorney Docket No. 10541-396

therefore, patentable for at least the same reasons given above in support of claim 9.

Claims 12-13, and 16

Claims 12-13, and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Welles in view of Baltus and further in view of Kuo.

Kuo also does not teach or suggest the limitations noted above as missing from Welles and Baltus. Claims 12-13 and 16 depend from claim 9 and are, therefore, patentable for at least the same reasons given above in support of claim 9.

Claims 14-15

Claims 14-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Welles in view of Baltus and further in view of Strenglein.

Strenglein does not teach or suggest the limitations noted above as missing from Welles and Baltus. Claims 14 and 15 depend from claim 9 and are, therefore, patentable for at least the same reasons given above in support of claim 9.

Claims 19 and 25

Claims 19 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Baltus in view of Wildhagen.



BRINKS HOFER GILSON & LIONE
PO Box 10395
Chicago, IL 60611-5599

Appln. No. 10/040,857

Attorney Docket No. 10541-396

Claims 19 and 25 depend from claims 17 and 24, respectively, and are patentable for at least the same reasons given above in support of claims 17 and 24.

Claims 20-21, 23, and 26-27

Claims 20-21, 23, and 26-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Baltus in view of Kuo.

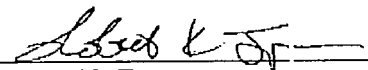
Claims 20-21, 23, and 26-27 depend from claims 17 and 24 and are, therefore, patentable for at least the same reasons given above in support of claims 17 and 24.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted by,

Dated: August 19, 2005


Robert K. Fergan
Reg. No.: 51,674
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610
(734) 302-6000



BRINKS HOFER GILSON & LIONE
PO Box 10395
Chicago, IL 60611-5599